

HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

DUSTIN MARLETT, an individual,

Plaintiff,

v.

KARIN BERKHOLTZ, an individual,

Defendant.

NO. 2:21-CV-00787-JCC-SKV

SUPPLEMENTAL DECLARATION OF
KARIN BERKHOLTZ IN SUPPORT OF
MOTION TO VACATE DEFAULT AND
RESPONSE TO MOTION FOR ENTRY OF
DEFAULT JUDGMENT

I, Karin Berkholtz, declare as follows:

1. I am the defendant in the above-captioned matter. I am over the age of eighteen (18) and competent to testify to the matters herein. I give this Declaration based on my own personal knowledge and my review of records, and in support of my Motion to Vacate Default and Response to Motion for Entry of Default Judgment filed by the Plaintiff (the "Motion").

2. I reviewed the Declaration of Dustin Marlett in support of the Plaintiff's opposition (the "Opposition") to the Motion. I do not agree with Mr. Marlett's assertions or his characterization of the factual record.

3. I never said that I "determined it would be more prudent to invest the money rather than leave it in the Chase Account where it was earning minimal interest" or that I was "nervous

SUPPLEMENTAL DECLARATION OF
KARIN BERKHOLTZ - 1
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CAIRNCROSS & HEMPELMANN, P.S.
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1 about investing.” Rather, I had a conversation with Mr. Marlett about my lack of experience with
2 investing and that I felt I was not very good with investing.

3 4. I also never made any disparaging comments about UBS or my advisor at UBS. I
4 did not tell Mr. Marlett that I was “leaving [my] advisor at UBS because [I] was not confident in
5 his investments and performance.” To this day I have a positive relationship with my former
6 advisor at UBS. He is aware of what is going on and identified someone for me to talk to when I
7 realized I needed to seek legal advice.

8 5. When I met with Mr. Marlett, I believed I owned the Chase Bank account and I
9 believed that James Scott set it up in my name. I asked James Scott whose money was in the
10 account, and he confirmed that it was mine. I had no idea the account belonged to someone else. I
11 thought it was the money I was owed to repay the debts incurred as a result of the credit card
12 charges James Scott initiated throughout the Spring and Summer of 2018.

13 6. I do not recall directing Mr. Marlett to make any trades. I recall telling Mr. Marlett
14 to leave the money alone because I did not know what to do with it yet and I wanted to take some
15 time to figure it out.

16 7. Mr. Marlett alleges that I did not “explain that [I] too was a victim” or “otherwise
17 justify [my] actions.” This is untrue. After the reversals, in the Spring of 2019, I spoke to Mr.
18 Marlett’s boss on the phone. He accused me intentionally engaging in fraud—he told me that I
19 have probably been scamming people all my life and I probably scammed someone to buy my car.
20 He accused my son of being in on it. I explained to him what was going on with James Scott,
21 including that my savings and retirement funds were gone and the amount of credit card debt I was
22 carrying. I further clarified that my son is a student. He then asked, “How could you let this
23 happen?” I told him how I was taken advantage of by way of this romance scam. He was angry at
24 first but seemed more empathetic towards the end of the call. He did not dispute my explanation
25 or otherwise accuse me of lying.
26

9. This experience has been very confusing. I lost all of my savings and my retirement funds. I do not have any assets, and am continuing to deal with the numerous debts which were incurred by James Scott using my identity.

SIGNED this 22nd day of July, 2022, at Minnetonka, Minnesota.


Karin Berkholtz

Certificate of Service

I, Binah B. Yeung, certify under penalty of perjury of the laws of the State of Washington that on July 22, 2022, I electronically filed this document entitled SUPPLEMENTAL DECLARATION OF KARIN BERKHOLTZ IN SUPPORT OF MOTION TO VACATE DEFAULT AND RESPONSE TO MOTION FOR ENTRY OF DEFAULT JUDGMENT using the CM/ECF system which will send notification of such filing to the following persons:

Jeremy G. Tolchin jtolchin@portlaw.com, courtnotices@portlaw.com, tcoble@portlaw.com

Nicholas J Henderson NHENDERSON@PORTLAW.COM, tcoble@portlaw.com

DATED this 22nd day of July, 2022, at Seattle, Washington.

/s/ Binah B. Yeung

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